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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/669,702	09/25/2003	Fumio Honda	121.1057	6364
21171	7590	05/14/2007	EXAMINER	
STAAS & HALSEY LLP			NGUYEN, CAO H	
SUITE 700			ART UNIT	
1201 NEW YORK AVENUE, N.W.			PAPER NUMBER	
WASHINGTON, DC 20005			2173	
			MAIL DATE	DELIVERY MODE
			05/14/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Office Action Summary**

Application No.

10/669,702

Applicant(s)

HONDA ET AL.

Examiner

Cao (Kevin) Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 25 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 2-9 is/are allowed.
- 6) ☒ Claim(s) 1 and 10-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |                                                                                                                              |                                                                                         |
|------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                                  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                         | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>11/03</u> | 6) <input type="checkbox"/> Other: _____                                                |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 101*

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-16 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claims 1-16 are not useful, concrete and tangible result. The preamble of independent claims 1-16 recite " An interactive content presenting program in an interactive content presenting device including a display section that displays, on a screen, contents and an interactive component image corresponding to the contents, and a coordinate input section that inputs coordinates corresponding to the display section for inputting data by the selection of the interactive component image, the interactive content presenting program comprising the steps of: receiving the correlation between a plurality of interactive component images displayed on the screen and a cursor key for selecting the interactive component image", which is directed to software, per se, lacking any hardware to enable any functionality to be realized. The claimed features and elements of independent claims 1-16 do not include hardware components or features that are necessarily implemented in hardware. Therefore, the claimed features of claims 1-16 are actually a software, or at best, directed to an arrangement of software, and software claimed by itself, without being executed or implemented on a computer medium, is intangible.

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To expedite a complete examination of the instant application, the claims rejected under 35 U.S.C. 101 (nonstatutory) above are further rejected as set forth below in anticipation of the applicant amending these claims to place them within the four statutory categories of invention.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 and 10-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kashiwagi et al. (US Patent No. 6,037,939) in view of Wistendahl et al. (US Patent No. 6,496,981).

Regarding claims 1 and 10, Kashiwagi discloses an interactive content presenting device, comprising a display section for displaying an image (see col. 6, lines 20-40); a coordinate input section for designating coordinates on the screen of the display section (see col. 3, lines 50-67); a coordinate converting section for converting converts the positional relationship between the coordinates designated by the coordinate input section and a predetermined position on the screen of the display section into one direction or a combination of plurality of directions (see col. 24, lines 4-49); however, Kashiwagi fails to explicitly teach a signal converting section for converting the combination converted by the coordinate converting section into a predetermined signal.

Wistendahl discloses a signal converting section for converting the combination converted by the coordinate converting section into a predetermined signal (see col. 15, lines 25-56). It would have been obvious to one of an ordinary skill in the art, having the teachings of Kashiwagi and Wistendahl before him at the time the invention was made, to modify a method for enabling interactive manipulation of data retained in computer system of Wistendahl to the system for converting media content for interactive TV use, as taught by Wistendahl. One would have been motivated to make such a combination in order to electing one of a plurality of interaction tools in accordance with the result of comparison of the variable value with the predetermined threshold value, each of the plurality of interaction tools providing a different method for manipulating the same data; and displaying the selected one of the plurality of interaction tools.

Claim 11, differs from claim 1 and 10 in that “a second step of producing one direction or a combination of plurality of directions reaching the first position from a second position via a specified position in the image, in order to obtain the positional relationship between the second position and the first position in the image; and a third step of converting the combination into a predetermined signal” as recites in Kashiwagi (see col. 24, lines 23-61 and col. 25, lines 6-30).

Regarding claims 12-14, Kashiwagi discloses wherein, in the second step, it is determined, from the second position, whether there is the specified position in the plurality of directions, and wherein the interactive content presenting method comprises a step of determining whether the specified position is the first position, when there is the specified position (see col. 10, lines 31-48).

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Claim 15, differs from claim 1 and 11 in that “producing, from the received correlation, a combination of directions of the cursor key for moving from the inputted coordinates to a designated interactive component image; and designating an interactive component image based on the produced combination of directions of the cursor key”, as recites in Kashiwagi (see col. 13, lines 5-67).

Regarding claim 16, Wistendahl discloses an interactive content presenting device that selects an interactive component image displayed on the screen, based on the program (see col. 14, lines 23-67).

***Allowable Subject Matter***

Claims 2-9 are allowed over prior art of record.

Applicant has claimed uniquely distinct features in the instant invention which are not found in the prior art either singularly or in combination a coordinate converting section for converting the positional relationship between the coordinates designated by the coordinate input section and a predetermined position displayed on the display section into one direction or a combination of plurality of directions; and an emulator section for converting the one direction or the combination converted by the coordinate converting section into a predetermined signal, wherein the predetermined signal converted by the emulator is inputted to the content processing section. These features are not found or suggested in the prior art.

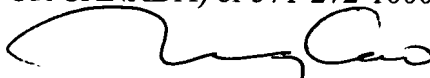
***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure (see PTO-892).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cao (Kevin) Nguyen whose telephone number is (571)272-4053. The examiner can normally be reached on 8:30AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca can be reached on (571)272-4048. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Cao (Kevin) Nguyen  
Primary Examiner  
Art Unit 2173

05/9/07